

Robert P. Shepard  
Texas Bar No. 18218990  
PARKS HUFFMAN MCVAY SHEPARD & WELLS,  
a professional corporation  
503 East Border Street  
Arlington, Texas 76010  
(817) 861-1000 Facsimile (817) 469-1000  
Email: [rshepard@phmsw.com](mailto:rshepard@phmsw.com)  
ATTORNEYS FOR GENESEE STAMPING AND FABRICATING, INC.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

In Re:

SUPERIOR AIR PARTS, INC.	§	Case No. 08-36705-BJH-11
	§	
	§	Chapter 11
	§	
Debtor.	§	

**MOTION OF GENESEE STAMPING AND FABRICATING, INC. FOR ALLOWANCE  
AND PAYMENT OF ADMINISTRATIVE EXPENSE CLAIM  
UNDER 11 U.S.C. § 503(b)(9)**

---

**NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE  
IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT  
THE EARLE CABELL BUILDING, 110 COMMERCE STREET, ROOM 1254, DALLAS,  
TEXAS 75242 BEFORE CLOSE OF BUSINESS ON JULY 10, 2009 WHICH IS  
TWENTY (20) DAYS FROM THE DATE OF SERVICE HEREOF.**

**ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK, AND A  
COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO  
THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED, A  
HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.**

**IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE  
RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT  
MAY ENTER AN ORDER GRANTING THE RELIF SOUGHT OR THE NOTICED  
ACTION MAY BE TAKEN.**

NOW COMES Genesee Stamping and Fabricating, Inc. ("Movant"), and files this its Motion for Allowance and Payment of Administrative Expense Claim Under 11 U.S.C. § 503(b)(9), and for cause would respectfully show the Court the as follows:

1. On December 31, 2008 (the "Commencement Date"), Superior Air Parts, Inc. (the "Debtor"), filed a voluntary petition for relief under chapter 11 of Title 11 of the United States Code (the "Code").

2. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334.

3. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

4. Venue of the Debtor's case and this Motion is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

5. Within the 20 days before the Commencement Date, Claimant supplied goods to the Debtor in the ordinary course of business which were received by the Debtor, and for which Claimant has not been paid. The value of the goods delivered to Debtor \$21,026.16 as of the Commencement Date (the "Administrative Expense Claim"). The invoice attached hereto as Exhibit "A" summarize (1) the goods provided by Claimant to Debtor, (2) the invoice number underlying the Administrative Expense Claim, and (3) the invoice amount. The bill of lading demonstrating delivery is attached as Exhibit "B".

6. Section 503(b)(9) of the Code provides in pertinent part:

After notice and a hearing, there shall be allowed administrative expenses, other than claims allowed under Section 502(f) of this title, including-

\*\*\*\*\*

(9) the value of any goods received by the debtor within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor's business.

A seller of goods to a debtor need not make a written demand on the debtor in order to assert its rights under Section 503(b)(9). See 11 U.S.C. § 546(c).

7. In this case, the goods were (1) received by the Debtor on December 22, 2008 (within 20 days of the Commencement Date) and (2) were sold to the Debtor in the ordinary course of the Debtor's business.

8. Movant is therefore entitled to an allowed administrative expense against the Chapter 11 bankruptcy estate of Debtor in the amount of \$21,026.16.

9. Attached hereto as Exhibit "C" is the proposed order (the "Order") granting the relief requested herein.

Prayer

Claimant respectfully requests that this Court enter the Order and grant such other and further relief as the Court deems appropriate in the circumstances.

Respectfully submitted,

PARKS HUFFMAN MCVAY SHEPARD & WELLS,  
a professional corporation

By: /s/ Robert P. Shepard  
Robert P. Shepard  
Texas Bar No. 18218990  
503 East Border Street  
Arlington, Texas 76010  
Telephone: (817) 861-1000  
Telecopier: (817) 469-1000  
COUNSEL FOR GENESSEE STAMPING AND FABRICATING,  
INC.

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing instrument was served either electronically or by *first class mail* upon those parties requesting service of notice and the parties listed on the attached Creditor Matrix, on the 19<sup>th</sup> day of June, 2009.

/s/ Robert P. Shepard  
ROBERT P. SHEPARD